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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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ARNOLD
SCHWARZENEGGER
GOVERNOR

VIA CERTIFIED MAIL

January 15, 2008

Mr. Wayne Nastri
Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Re: Santa Susana Field Laboratory, Ventura County

Dear Mr. Nastri:

Thank you for your December 6, 2007 letter regarding the possible placement of the Santa Susana Field Laboratory (SSFL) site on the federal Superfund National Priorities List (NPL). The Governor has asked me to reply on his behalf. The State strongly agrees with the need for a comprehensive and protective cleanup of this site and welcomes the opportunity to partner with the U.S. Environmental Protection Agency (USEPA) to ensure that the cleanup is completed at the earliest possible date.

Recent State actions create an unprecedented opportunity to achieve a comprehensive, protective and expedited cleanup of the SSFL site. Those actions include the following:

- 1) In August 2007, the State entered into a formal agreement with Boeing, the U.S. Department of Energy (DOE), and the National Aeronautics and Space Administration (NASA) for the investigation and cleanup of the site (with the soils to be cleaned up and a groundwater treatment system to be in place by 2017);
- 2) The Governor signed into law SB 990 (Kuehl, 2007) regarding the cleanup of this site;

3) The California Resources Agency and the California Environmental Protection Agency (CalEPA) signed a Letter of Intent with Boeing in which Boeing agreed to clean up the property to protective standards and to transfer the property to the State for open space or parkland after it has been fully cleaned up (residential use would be prohibited); and

4) The State intends to negotiate a formal agreement with Boeing that is consistent with SB 990 and the Letter of Intent with Boeing within the next six months.

In light of these recent breakthroughs, I request on behalf of the State that USEPA defer for six months the decision regarding whether to propose listing for this site, in order that the State may negotiate a formal clean-up agreement and may fully evaluate possible impacts and ramifications of an NPL listing on achieving our goals. Attached is a new Letter of Intent between the State and individuals and organizations that care greatly about the cleanup of this site. In this Letter of Intent, the individuals and organizations **concur** with the State's request for a deferral of USEPA's decision regarding whether USEPA should propose NPL listing for the site.

As the Department of Toxic Substances Control (DTSC) takes strong action to lead the cleanup of the SSFL site, Cal/EPA and DTSC request that USEPA take the following actions to work as a partner with the State for effective and expedited cleanup:

- 1) Take the lead role in the USEPA/Department of Energy radiological characterization survey of the SSFL site that is required by H.R. 2764; conduct a full and comprehensive radiological characterization survey based on the cleanup standards in SB 990; and involve the DTSC in the preparation, performance and completion of that survey;
- 2) Provide technical assistance to DTSC in its evaluation of radiological contamination at the site and in surrounding areas;
- 3) Provide technical assistance to DTSC in the development and implementation of a comprehensive study to establish background values for both chemical and radiological contaminants at the site;
- 4) Provide DTSC and USEPA regional staff with access, as needed, to CERCLA radiation experts in the Office of Superfund Remediation and Technology Innovation at USEPA headquarters, for technical consultations; and
- 5) Provide technical support through USEPA's Radiation and Indoor Environments National Laboratory in Las Vegas, Nevada.

Please note that in the attached Letter of Intent, the undersigned individuals and organizations are stating that they concur with this request for USEPA support.

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CalEPA welcomes the opportunity to brief you and your staff on the progress the State has made and the ambitious schedule. We look forward to clearly establishing how best to collaborate on an expeditious cleanup that protects the residents in the vicinity of the site.

Sincerely,

Linda S. Adams

Secretary for Environmental Protection

Attachment

cc: The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, California 95814

The Honorable Diane Feinstein
United States Senate
331 Hart Senate Office Building
Constitution Avenue & 2nd Street NE
Washington, DC 20510

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Constitution Avenue & 2nd Street NE
Washington, DC 20510

The Honorable Henry Waxman
U.S. House of Representatives
2204 Rayburn House Office Building
Washington, DC 20515-0523

The Honorable Elton Gallegly
U.S. House of Representatives
2309 Rayburn House Office Building
Washington, DC 20515-0523

The Honorable Brad Sherman
U.S. House of Representatives
2242 Rayburn House Office Building
Washington, DC 20515-0524

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The Honorable Sheila James Kuehl
California State Senate
State Capitol, Room 5108
Sacramento, California 94249-0041

The Honorable Julia Brownley
California State Assembly
State Capitol, Room 6011
Sacramento, California 95814

The Honorable Audra Strickland
California State Assembly
State Capitol, Room 4208
Sacramento, California 95814

The Honorable Member Cameron Smyth
California State Assembly
State Capitol, Room 4153
Sacramento, California 95814

Chris Kahn, Legislative Secretary
Governor's Office
State Capitol
Sacramento, California 95814

Mike Chrisman, Secretary
Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Karen Scarborough, Undersecretary
Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Cindy Tuck, Undersecretary
California Environmental Protection Agency
P.O. Box 2815
Sacramento, California 95812-2815

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PL 110-161

H.R.2764**Consolidated Appropriations Act, 2008 (Enrolled as Agreed to or Passed by Both House and Senate)**

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Non-Defense Environmental Cleanup

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed three passenger motor vehicles for replacement only, \$183,937,000, to remain available until expended: *Provided*, That \$13,000,000 is appropriated for environmental remediation activities associated with the Energy Technology and Engineering Center (ETEC) at the Santa Susana Field Laboratory (SSFL), subject to the following: (1) the Department shall use a portion of this funding to enter into an interagency agreement with the Environmental Protection Agency to conduct a joint comprehensive radioactive site characterization of Area IV of the SSFL; (2) the Department shall ensure that all aspects of the cleanup of radioactive contamination at Area IV of the SSFL comply fully with the Comprehensive Environmental Response, Compensation and Liability Act, if applicable; and (3) the Department shall retain Federal control of ETEC and it shall not be released for other use until such time as the Department has complied with actions directed in paragraphs (1) and (2).

Uranium Enrichment Decontamination and Decommissioning Fund

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, \$627,876,000, to be derived from the Fund, to remain available until expended, of which \$20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

Science**(INCLUDING RESCISSION OF FUNDS)**

For Department of Energy expenses including the purchase, construction and acquisition of plant